

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 LORETTA A. WEST  
Deputy Attorney General  
4 State Bar No. 149294  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2107  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9  
10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. *2013-555*

15 **CAITLIN MARY CAHILL**  
11772 Carmel Creek Road, Apt. 103  
16 San Diego, CA 92130

**A C C U S A T I O N**

17 **Registered Nurse License No. 784403**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about September 27, 2010, the Board of Registered Nursing issued Registered  
26 Nurse License Number 784403 to Caitlin Mary Cahill (Respondent). The Registered Nurse  
27 License was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on August 31, 2014, unless renewed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4

5  
6  
7  
8

9  
0  
1  
2

## 3

4

5

7

8

90

- 1
- 2
- 3

4

5  
6  
7  
8

1 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
2 and the board may inquire into the circumstances surrounding the commission of  
3 the crime in order to fix the degree of discipline or to determine if the conviction  
4 is substantially related to the qualifications, functions, and duties of the licensee in  
5 question.

6 As used in this section, "license" includes "certificate," "permit,"  
7 "authority," and "registration."

8 9. Section 2761 of the Code states:

9 The board may take disciplinary action against a certified or licensed  
10 nurse or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the  
12 following:

13 . . . .

14 (f) Conviction of a felony or of any offense substantially related to the  
15 qualifications, functions, and duties of a registered nurse, in which event the  
16 record of the conviction shall be conclusive evidence thereof.

17 . . . .

18 10. Section 2762 of the Code states:

19 In addition to other acts constituting unprofessional conduct within the  
20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct  
21 for a person licensed under this chapter to do any of the following:

22 . . . .

23 (b) Use any controlled substance as defined in Division 10 (commencing  
24 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
25 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
26 in a manner dangerous or injurious to himself or herself, any other person, or the  
27 public or to the extent that such use impairs his or her ability to conduct with safety  
28 to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription,  
consumption, or self-administration of any of the substances described in  
subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in  
which event the record of the conviction is conclusive evidence thereof.

. . . .

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of *nolo*  
*contendere* made to a charge substantially related to the qualifications, functions  
and duties of a registered nurse is deemed to be a conviction within the meaning

1 of this article. The board may order the license or certificate suspended or  
2 revoked, or may decline to issue a license or certificate, when the time for appeal  
3 has elapsed, or the judgment of conviction has been affirmed on appeal or when  
4 an order granting probation is made suspending the imposition of sentence,  
5 irrespective of a subsequent order under the provisions of Section 1203.4 of the  
6 Penal Code allowing such person to withdraw his or her plea of guilty and to enter  
7 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
8 accusation, information or indictment.

## 7 **REGULATORY PROVISIONS**

8 12. California Code of Regulations, title 16, section 1444, states:

9 A conviction or act shall be considered to be substantially related to the  
10 qualifications, functions or duties of a registered nurse if to a substantial degree it  
11 evidences the present or potential unfitness of a registered nurse to practice in a  
12 manner consistent with the public health, safety, or welfare. Such convictions or  
13 acts shall include but not be limited to the following:

- 12 (a) Assaultive or abusive conduct including, but not limited to, those  
13 violations listed in subdivision (d) of Penal Code Section 11160.
- 14 (b) Failure to comply with any mandatory reporting requirements.
- 15 (c) Theft, dishonesty, fraud, or deceit.
- 16 (d) Any conviction or act subject to an order of registration pursuant to  
17 Section 290 of the Penal Code.

17 13. California Code of Regulations, title 16, section 1445 states:

18 . . . .

19 (b) When considering the suspension or revocation of a license on the  
20 grounds that a registered nurse has been convicted of a crime, the board, in  
21 evaluating the rehabilitation of such person and his/her eligibility for a license  
22 will consider the following criteria:

- 21 (1) Nature and severity of the act(s) or offense(s).
- 22 (2) Total criminal record.
- 23 (3) The time that has elapsed since commission of the act(s) or  
24 offense(s).
- 25 (4) Whether the licensee has complied with any terms of parole,  
26 probation, restitution or any other sanctions lawfully imposed against the  
27 licensee.
- 28 (5) If applicable, evidence of expungement proceedings pursuant  
to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(June 7, 2012, Criminal Conviction for Driving with BAC Over .08% on April 24, 2011)**

8 15. Respondent has subjected her registered nurse license to disciplinary action under  
9 Code sections 490 and 2761, subdivision (f), in that she was convicted of crimes that are  
10 substantially related to the qualifications, functions, and duties of a registered nurse. The  
11 circumstances are as follows:

12 a. On or about June 7, 2012, in a criminal proceeding entitled *The People of*  
13 *the State of California v. Caitlin M. Cahill*, in San Diego County Superior Court Central  
14 Division, case number M131012, Respondent was convicted on her plea of guilty of violating  
15 Vehicle Code (VC) sections 23152(b) (driving with a blood alcohol level (BAC) of 0.08 percent  
16 or more), a misdemeanor, and 20002 (a) (hit and run), a misdemeanor. A charge of violating  
17 Vehicle Code section 23152(a) (driving under the influence of alcohol) was dismissed pursuant  
18 to a plea agreement.

19 b. As a result of the conviction, on or about June 7, 2012, the Court placed  
20 Respondent on five years summary probation and ordered Respondent to pay fines, fees and  
21 restitution, to complete 9 days of public service, and to complete a First Conviction Alcohol  
22 Program.

23 c. The facts that led to the conviction are that on or about April 24, 2011,  
24 Respondent drove her Jeep Cherokee truck in an unsafe manner in that she swerved her truck to  
25 the far left and all the way off of the street, drove onto the front yard of a residence, drove over  
26 the front yard of the residence and caused heavy damage to the landscaping and yard, drove back  
27 onto the street, and continued to drive away from the damaged front yard. Respondent did not  
28 stop her truck after she drove over the front yard and she did not provide or attempt to provide her

1 identification information to the landowner, directly or indirectly. Soon thereafter that evening,  
2 Respondent was contacted by police officers from the San Diego Police Department. While  
3 interviewing Respondent, a police officer observed that Respondent's breath smelled strongly of  
4 alcohol and Respondent's eyes were very watery and bloodshot. Respondent admitted that she  
5 had driven her truck over the front yard of a residence on Cordova Street earlier that night and  
6 that she did not stop at the scene of the collision. Respondent stated that she was texting on her  
7 cell phone while she was driving over the yard. Respondent failed the Field Sobriety Tests  
8 conducted by the police officer. Respondent was arrested for hit and run and driving under the  
9 influence of alcohol.

10 d) Respondent was not willing or able to cooperate with law enforcement's  
11 efforts to conduct a breath test in that Respondent refused to blow into the breathalyzer even  
12 though she verbally consented to a breath test. Similarly, Respondent verbally agreed to a blood  
13 test but, after she arrived at the police station, Respondent was not willing or able to cooperate  
14 with law enforcement's efforts to conduct a blood test. Respondent constantly moved her arm  
15 and alleged she was afraid of needles while a nurse unsuccessfully attempted to draw a blood  
16 sample. Ultimately, Respondent had to be placed into a restraint chair, seat-belted into the  
17 restraint chair, and her arm had to be physically restrained by a police officer before a nurse could  
18 obtain a blood sample from Respondent's arm. Respondent's blood test results indicated that she  
19 had a blood alcohol level (BAC) of .20 percent which is significantly higher than the legal BAC  
20 limit of .08%

## 21 **SECOND CAUSE FOR DISCIPLINE**

### 22 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

23 16. Respondent has subjected her registered nurse license to disciplinary action  
24 under Code section 2762, subdivision (b), in that on or about April 24, 2011, as described in  
25 paragraph 15, above, Respondent used alcoholic beverages to an extent or in a manner that was  
26 dangerous and injurious to herself and to others when she drove her car while having a blood  
27 alcohol content equal to more than twice the legal BAC limit of .08%.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Conviction of Alcohol Related Criminal Offenses)**

3 17. Respondent has subjected her registered nurse license to disciplinary action  
4 under Code section 2762, subdivision (c), in that on or about April 24, 2011, as described in  
5 paragraph 15, above, Respondent was convicted of a criminal offense involving the consumption  
6 of alcohol.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 784403, issued to Caitlin  
11 Mary Cahill;

12 ///

13 ///

14 2. Ordering Caitlin Mary Cahill to pay the Board of Registered Nursing the reasonable  
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
16 Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18  
19  
20 DATED: JANUARY 17, 2013

for   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

21  
22  
23  
24 SD2012704117